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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,386	07/22/2003	Gregory J. Erisoty	EGJ-1-CONT	9777
7590	08/05/2004		EXAMINER	
Ira S. Dorman Suite 200 330 Roberts Street East Hartford, CT 06108			PRONE, JASON D	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/626,386	Applicant(s) ERISOTY ET AL. CP	
	Examiner Jason Prone	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 29 and 30 is/are allowed.
- 6) ☒ Claim(s) 12,13 and 16-28 is/are rejected.
- 7) ☒ Claim(s) 14 and 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: in the pre-amendment filed 22 July 2003, the phrase "This application is a continuation of copending Application No. 09/839,195, filed April 19, 2001 by the same inventors. The entire specification of the aforesaid copending Application No. 09/839,195 is hereby incorporated hereinto by reference thereto." should be replaced with "This application is a continuation of U.S. Patent No. 6,606,795 B2, published August 19, 2003 by the same inventors. The entire specification of the aforesaid U.S. Patent No. 6,606,795 B2 is hereby incorporated hereinto by reference thereto."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 12, 13, and 17-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Duffy.

Duffy discloses the same invention including a saw frame comprising an elongate back member (10), a handle portion (11), and an elongate swing arm pivotably connected to the back member at a connection point distal from the handle portion (40) so as to be pivotable between an extend position transverse to the back member (Fig.

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9a) and a storage position aligned with the back member (Fig. 6), that the handle portion includes at least a first blade-engaging element (35), that the swing arm includes at least a second blade-engaging element disposed distal from the connection point (40a), that the back member includes at least a third blade-engaging element disposed proximal to the connection point (42a), that each of the blade-engaging elements being constructed to engage one end of a removably mounted saw blade (Figs. 9a-f), that the first, second, and third blade-engaging elements are generally co-planar and located such that, with the swing arm in the extended position, the second and third blade engaging elements are commonly disposed on an arc circumscribing the first blade-engaging element (Figs. 9a and 9e), that the handle portion includes a quick-release blade tensioning mechanism operative to releasably apply, at the first blade engagement element, a selectable amount of tension to the mounted blade (26), that the frame allows conversion, without need for adjustment of the amount of tension, between a first configuration and a second configuration (Figs. 9a and 9e), that the back member is substantially rectilinear (10), that the back member further includes an upwardly opening channel in which the swing arm is disposed in the storage position (36c), that the back member includes a downwardly extending lobe proximal to the connection point (42), that the third blade-engaging element is disposed on the lobe (42a), that the lobe includes a bearing surface that limits the pivotable movement of the swing arm (Fig. 1), with the swing arm in the extended position, a first theoretical line extending between the first and second blade engagement elements is disposed substantially parallel to an axis extending in the direction of elongation of the back

member (Fig. 9a), a second theoretical line extending between the first and third blade engagement elements is angularly disposed with respect to the axis extending in the direction of elongation (Fig. 9e), a saw blade (B), that when the swing arm is in the extended position the saw blade is mounted on the first and second blade-engaging elements (Fig. 9a), and that the handle portion comprises a grip portion integrally formed with the back member (14).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duffy. Duffy discloses the invention including that each of the blade-engaging element comprise pins projecting from orienting blade-supporting surface (35, 42a, and 41a) but fails to disclose that the pin are conical. It would have been an obvious matter of design choice to make the different portions of the pins of whatever form or shape was desired or expedient. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. *In re Dailey et al.*, 149 USPQ 47.

6. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duffy in view of Keymer. Duffy discloses the invention but fails to disclose that the quick-release blade-tensioning mechanism includes an operating lever pivotally connected to a lower

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part of the handle portion. Keymer teaches a quick-release blade-tensioning mechanism that includes an operating lever pivotally connected to a lower part of the handle portion (52). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Duffy with an operating lever, as taught by Keymer, to allow for the quick-release blade-tensioning mechanism to be locked into place to prevent any unwanted un-tensioning of the blade.

Allowable Subject Matter

7. Claims 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 29 and 30 are allowed. Claims 29 is allowable over the prior art because of the apparatus incorporating a handle portion with first and fourth blade-engaging elements, a swing arm with second and fifth blade-engaging elements, and a back member including third and sixth blade-engaging elements. There is no motivation to modify the handle portion, swing arm, or back member of Duffy to incorporate an additional blade-engaging element.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Howell, Donaldson, Kessler, Leatherman ('880), Leatherman ('093), Williams, Swanstrom, Gunnerson, Stanley, Erisoty et al., and Chen.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JP
July 26, 2004



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